

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

02/28/2001
8:30 AM

Hearing Room E
Tapes 32 - 33

MEMBERS PRESENT: **Rep. Betsy Close, Chair**
 Rep. Laurie Monnes Anderson, Vice-Chair
 Rep. Susan Morgan, Vice-Chair
 Rep. Mark Hass
 Rep. Bob Jenson
 Rep. Deborah Kafoury
 Rep. Al King
 Rep. Jeff Kruse
 Rep. Jan Lee

STAFF PRESENT: **Megan Palau, Administrator**
 Shannon Relaford, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2790 Work Session**
 HB 2753 Public Hearing
 HB 2789 Public Hearing and Work Session
 SB 328 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 32, A		
002	Chair Close	Convenes meeting at 8:41 a.m. and opens work session HB 2790.
		<u>HB 2790 WORK SESSION</u>
004	Megan Palau	Committee Administrator gives summary of the bill.
010	Rep. Morgan	Makes the motion to move the bill to the floor with a do pass recommendation.
018	Rep. Hass	Expresses his concern that people who lease farms would not be allowed to be candidates.
023	Kristina McNitt	Oregon Water Resources Congress responds that's true, but those people would not be electors within an irrigation district and would not have any interest in voting.
039	Chair Close	Asks if the term electors is in the existing bill.
042	McNitt	Concurs.
040	Rep. Morgan	MOTION: Moves HB 2790 to the floor with a DO PASS recommendation.
		VOTE: 8-0
		AYE: 8 - Hass, Jenson, Kafoury, King, Kruse, Monnes Anderson, Morgan, Close
		EXCUSED: 1 - Lee
	Chair Close	The motion CARRIES.

REPRESENTATIVE LEE will lead discussion on the floor.

055 Chair Close Closes work session on HB 2790 and opens public hearing on HB 2753 at 8:45 a.m.

HB 2753 PUBLIC HEARING

060 Megan Palau Presents explanation of bill.
070 Ken Strobeck Oregon Graduate Institute of Science and Technology presents testimony in support of the bill.
100 Antonio Baptista Professor Department of Environmental Science and Engineering Oregon Graduate Institute of Science and Technology presents overview of CORIE (environmental information system.) (EXHIBIT A)
225 Chair Close Questions the sources of funding.
230 Baptista Replies funding comes from multiple agencies.
260 Rep. Morgan Questions the geographic scope of the project.
265 Baptista Responds no then explains the geographic scope.
297 Rep. Morgan Questions the technology involved to gather the data, are they building on existing technology or putting in new stations.
300 Baptista Responds and explains sources of data.
318 Rep. Jenson Questions what has been the peer review and by whom.
339 Baptista Responds it has been peer reviewed in a number of different ways. When they request funding it is peer reviewed. There are a number of review publications available.
357 Rep. Jenson Follows by asking if there has been a proposal for this funding submitted to the Oregon Watershed Enhancement Board (OWEB.)
368 Baptista Replies no.
370 Rep. Jenson Question if that has been considered for a source of funding.
373 Baptista Responds yes.
390 Rep. Jenson Questions why did they not pursue OWEB.
419 Baptista Responds by explaining the system and how they approach funding.

TAPE 33, A

023 Rep. King Questions budget and growth of territory of the project and as it grows who pays and who benefits.
028 Baptista Continues by further explaining budget and funding sources. Illustrates the cost benefits analysis.
057 Rep. Kruse Asks if they move into the Willamette River what will be the Port of Portland's contribution to the project.
066 Baptista States he cannot speak for the Port of Portland.
068 Rep. Kruse Follows by asking if they were reimbursed for the information given in the Astoria case.
072 Baptista Replies it was a research project and was funded by the National Marine Fisheries Service.
077 Rep. Kruse Expresses concerns for what we do instream, the ESA and Clean Water Act and if there is a solid connection.
085 Baptista States ESA is a driving force.
100 Rep. Kruse Expresses his need for more information.
102 Rep. Morgan Questions if Washington State is a partner in the project.
127 Baptista Responds that they have worked with a number of different agencies. They do not have funding from the State of Washington.
144 Chair Close Closes public hearing on HB 2753, asks for more information.
160 Rep. King Concur and requests more detailed information.
172 Rep. Jenson Voices concerns and encouragement.

201	Rep. Morgan	Concurs with comments, remarks about condition of the General Fund.
250	Rep. Hass	Addresses the technology and expresses his support for the project.
262	Chair Close	Opens public hearing on HB 2789
<u>HB 2789 PUBLIC HEARING</u>		
265	Kristina McNitt	Oregon Water Resources Congress presents testimony in support of the bill. (EXHIBIT B)
380	Chair Close	Requests clarification of amendment.
390	Bill Ganong	Legal Counsel for the Klamath Water District gives explanation.
404	Aubrey Russell	Water Policy Advocate Oregon Trout, presents testimony in opposition to the bill. (EXHIBIT C)
TAPE 32, B		
036	Chair Close	Asks about the districts making computations and if they are just deciding the amount of money that would need to be available for the purpose of water rights.
044	Russell	Concurs.
048	Chair Close	Asks if they aren't already doing that.
050	Russell	Replies by restating his concerns about what opportunity this actually affords the district.
060	Rep. Jenson	Asks if they support or are against the doctrine of prior appropriation.
062	Russell	Responds the doctrine is flawed, obsolete and out-moded and does not defend it.
079	Rep. Jenson	Follows by asking if this is an amendment of the doctrine.
083	Russell	Replies it is a change in the law that redirects the balance of power.
092	Rep. Kruse	Questions why the additional acquisition inclusion in law, what the intent is and what will it be used for.
099	Ganong	Responds by explaining the existing law and that the proposed changes actually limit authority. Continues with explanation of bill.
149	Rep. Kruse	Follows by asking if you already have the authority why does it need to be added.
153	Ganong	Responds with history of the legislation.
188	Rep. Kruse	Questions if the change gives the Board of Directors the ability to charge a fee to someone that is not part of their district.
193	Ganong	Replies no.
212	Rep. King	Comments that irrigation districts already have the right to buy water rights and impacts on the Klamath adjudication.
239	Ganong	Concurs with the statement.
265	McNitt	Clarifies the bill and how you pay for a water right.
290	Doug Meyers	WaterWatch, states they are neutral on the bill.
304	Chair Close	Closes public hearing on HB 2789. Opens work session on HB 2789.
305	Rep. Morgan	MOTION: Moves HB 2789 to the floor with a DO PASS recommendation.
306		VOTE: 5-1
		AYE: 5 - Jenson, King, Kruse, Morgan, Close
		NAY: 1 - Monnes Anderson
		EXCUSED: 3 - Hass, Kafoury, Lee
	Chair Close	The motion CARRIES.
		REP. KRUSE will lead discussion on the floor.
340	Chair Close	Closes work session on HB 2789 and opens public hearing on SB

		328.
357	Megan Palau	Presents explanation of SB 328.
<u>SB 328 PUBLIC HEARING</u>		
362	Gratten Kerans	Director of Government Relations, Oregon State University, presents testimony in support of the bill. (EXHIBIT D)
388	Dave Lisney	Director Oregon State University Research Forests, presents testimony in support of the bill.
418	Rep. Jenson	Questions if the donations requires donation of the land or just the mineral rights.
423	Lisney	Responds he's unclear on that.
428	Rep. Jenson	Follows with requesting clarification.
440	Jock Mills	Director of Government Relations Oregon State University defers the question to the Division of State Lands.
446	Lisney	Continues with testimony.
TAPE 33, B		
053	Kerans	Continues with his interpretation of the bill.
065	Steve Purchase	Assistant Director for Field Operations, Division of State Lands, presents testimony in support of bill. (EXHIBIT E)
079	Rep. Jenson	Asks if it is possible to give surface right and withhold the mineral right, or give the mineral rights and withhold the surface rights.
080	Purchase	Concurs.
093	Chair Close	Closes public hearing on SB 328 at 10:10 a.m.
100	Rep. Hass	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow Rep. HASS and Rep. KAFOURY to BE RECORDED as voting NAY on the motion that Moves HB 2789 to the floor with a DO PASS recommendation.
130	Chair Close	Adjourns meeting at 10:20 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

A – HB 2753, written testimony, Antonia Baptista, 1 p.

B – HB 2789, written testimony, Kristina McNitt, 2 pp.

C – HB 2789, written testimony, Aubrey Russell, 1 p.

D – SB 328, written testimony, Gratten Kerans, 1 p.

E – SB 328, written testimony, Steve Purchase, 2 pp.